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OFFICE OF PETITIONS

Applicant:	Clifford A. Harrison)	
)	
Serial No.:	08/919,450)	Examiner: Nguyen, Cuong H.
)	
Filed:	08/27/1997)	Group Art Unit: 3625
)	
Title:	SYSTEM AND METHOD)	Docket No.: 10547.15US1
	FOR COMPUTER-AIDED)	
	TECHNICIAN DISPATCH)	
	AND COMMUNICATION)	

**REQUEST TO RECONSIDER THE
PETITION UNDER 37 CFR 1.47
AND DECLARATION OF FACTS IN SUPPORT THEREOF**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTN: **NANCY JOHNSON**
SENIOR PETITIONS ATTORNEY

Dear Sir:

In accordance with 37 CFR 1.47 it is respectfully petitioned that the Office waive the requirement for a statement under 37 CFR 1.48(a)(2) from the missing, non-signing inventor Mr. Harrison that supports the addition of Mr. Bush and Mr. Weber as inventors.

Certificate of Mailing: The undersigned hereby certifies that this document and its enclosures are being deposited with the United States Postal Service as first class mail, postage prepaid in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 15th day of September, 2004.

By: 
Name: Ranni Matar

A copy of the previous petition decision and papers previously filed in connection with the petition and amendment to correct inventorship are enclosed herewith. Also enclosed herewith is a declaration and statement from Mr. Weber which was found using the information provided in the previous petition decision.

The undersigned hereby declares that a diligent effort has been made to contact Mr. Clifford Harrison. This effort included the step of sending mail to Mr. Harrison at his last known mailing address of 240 Kearney Street, Denver Colorado 80220 as well as the mailing address of 7100 Evans Avenue, Denver Colorado 80224, the latter address being provided in the decision to the previously filed petition and uncovered using Internet searching technology. While a receipt was returned from the letter addressed to Mr. Harrison at 240 Kearney Street, Denver Colorado 80220 indicating that an "agent" received the letter, the materials enclosed in the letter were not returned to my attention. The mail addressed to Mr. Harrison at 7100 Evans Avenue, Denver Colorado 80224 was returned unopened and without signature.

Efforts were also made to try and contact Mr. Harrison by phone using a search from whitepages.com as well as using a search from EZFIND made available at lexis.com. The EZFIND search provided the phone number of (303) 333-5143 which was previously known as the phone number of Mr. Harrison. A phone call to this number uncovered that Mr. Harrison cannot be contacted at (303) 333-5143. In this regard, a search of phonenumbers.com illustrates that this phone number no longer belongs to Mr. Harrison.

An effort was also made to contact Mr. Harrison at his last known email address of "charrison@onebox.com." Again, this effort proved unsuccessful.

The undersigned declares that he was not able to obtain a forwarding mail address, phone number, or email address for Mr. Harrison during the performance of these steps. Furthermore, the undersigned declares that a search on the Internet failed to provide any information concerning the present whereabouts of Mr. Harrison. Therefore, despite the performance of these steps, as evidenced by the attached computer printouts, return receipts, and letter sent, the undersigned declares that Mr. Harrison cannot be found or reached to secure his signature on the accompanying Declaration or the statement under 37 CFR 1.48(a)(2).

The signing of the Declaration by Mr. Bush and Mr. Weber with the signature block of the non-signing inventor left blank is to be treated as having been signed by Mr. Bush and Mr. Weber on behalf of Mr. Harrison.

The undersigned further declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, and any patent to which this declaration is directed.

A check for the fees was previously submitted.

The Commissioner is Authorized to charge any fee deficiency or credit
overpayment to deposit account number 50-2428.

Respectfully submitted,

Date: September 15, 2004

By: 

Gary R. Jarosik, Reg. No. 35,906
Greenberg Traurig, LLP
77 W. Wacker Drive - Suite 2500
Chicago, Illinois 60601
(312) 456-8400

chi-srv01\229839v02



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1. Article Addressed to: <i>Clifford Harrison</i> <i>7100 Evans Avenue</i> <i>Denver CO 80224-</i> <i>2450</i>		B. Received by (Printed Name) <i>C. Peck</i>	C. Date of Delivery <i>8-30-04</i>
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		Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label) <i>7001 2510 0005 4662 2760</i>			
PS Form 3811, August 2001		Domestic Return Receipt 102595-01-M-2509	

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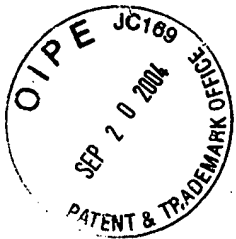


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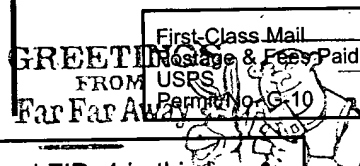
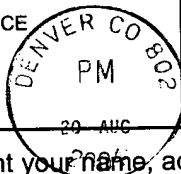
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1. Article Addressed to: <i>Clifford Harrison 240 Kearney St. Denver CO 80220</i>		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label) <i>7001 2510 005 4662 2777</i>		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2506			

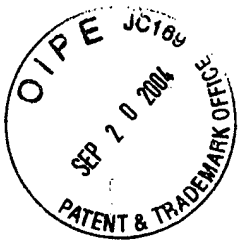
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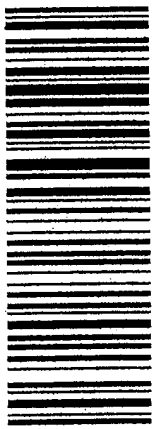
• Sender: Please print your name, address, and ZIP+4 in this box

Mr. Gary Jarosik
GREENBERG TRAURIG LLP
77 West Wacker Drive
Suite 2500
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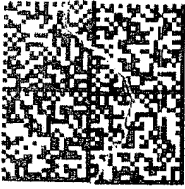
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7001 2510 0005 4662 2760

**GREENBERG
TRAURIG**
ATTORNEYS AT LAW

GREENBERG TRAUIG, LLP
77 WEST WACKER DRIVE, SUITE 2500
CHICAGO, ILLINOIS 60601



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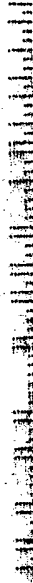
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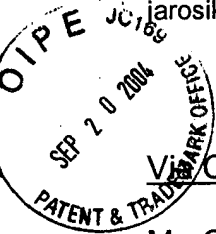


ANX Mr. Clifford A. Harrison
7100 Evans Avenue
Denver, CO 80224-2450



Greenberg Traurig

GARY R. JAROSIK
(312) 456-8449
jarosikg@gtlaw.com



August 17, 2004

Via Certified Mail

Mr. Clifford A. Harrison
at 7100 Evans Avenue
Denver, CO 80224-2450
and
at 240 Kearney Street
Denver, CO 80220-5987

Re: **U.S. Patent Application No.: 08/910,450**
Title: SYSTEM AND METHOD FOR COMPUTER-AIDED TECHNICIAN
DISPATCH AND COMMUNICATION
Our File No.: 10547.15US1

Dear Mr. Harrsion:

As you are aware, we are in the process of correcting the inventorship of the above-referenced patent application to add Mr. Phillip Bush and Mr. Emery Weber as inventors.

In order to complete this process we need to file another Declaration and Power of Attorney with the signature of all of the inventors.

Enclosed is the new Declaration. We would appreciate it if you could please sign and return this Declaration to us at your earliest convenience in the enclosed pre-addressed envelope.

Your assistance regarding this matter is appreciated. Please contact me if you have any questions.

Very truly yours,

Gary R. Jarosik

GNM
Enclosures

chi-srv01\217746v02

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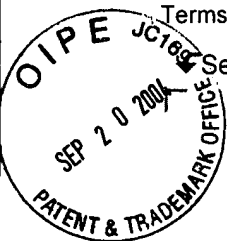
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HARRISON, CLIFFORD A (MALE)

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PERSON LOCATOR - P-SEEK

Name: HARRISON, CLIFFORD A (MALE)

Spouse Name: GAIL

Social Security Number: 014-38-XXXX

Consumer Name Last Updated: 5/8/2000

Address:

240 KEARNEY ST

DENVER, CO 80220-5987

Address Type: SINGLE FAMILY

Address Created: 11/7/1997

Address Updated: 7/8/2000

Previous Addresses:

701 GRAPE ST

DENVER, CO 80220-5219

Address Type: SINGLE FAMILY

Address Created: 11/1/1985


Address Updated: 2/24/1998

Birthdate: 1956

Telephone: (303) 333-5143

On File Since: 11/1/1985

Date Vendor Record Last Updated: 5/8/2000

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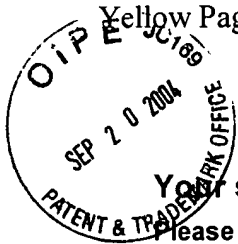
People

Search criteria: **CLIFFORD HARRISON** in **CO**

19 Matches Found

	Full Name	Address	City	State	Age	Birth Date	Phone
1.	<u>HARRISON, CLIFFORD S</u>	Available	ENGLEWOOD	CO			View De
2.	<u>HARRISON, CLIFFORD R</u>	Available	DENVER	CO	60	Available	View De
3.	<u>HARRISON, CLIFFORD R</u>	Available	DENVER	CO			View De
4.	<u>HARRISON, CLIFFORD J</u>	Available	CASTLE ROCK	CO	79	Available	Available View De
5.	<u>HARRISON, CLIFFORD J</u>	Available	DENVER	CO	79	Available	View De
6.	<u>HARRISON, CLIFFORD J</u>	Available	ELBERT	CO	79	Available	Available View De
7.	<u>HARRISON, CLIFFORD J</u>	Available	PARKER	CO	79	Available	Available View De
8.	<u>HARRISON, CLIFFORD A</u>	Available	DENVER	CO	48	Available	Available View De
9.	<u>HARRISON, CLIFFORD A</u>	Available	DENVER	CO	48	Available	View De
10.	<u>HARRISON, CLIFFORD A</u>	Available	DENVER	CO	48	Available	Available View De
11.	<u>HARRISON, CLIFFORD A</u>	Available	DENVER	CO	48	Available	Available View De
12.	<u>HARRISON, CLIFFORD A</u>	Available	DENVER	CO	48	Available	Available View De
13.	<u>HARRISON, CLIFFORD A</u>	Available	DENVER	CO	48	Available	Available View De
14.	<u>HARRISON, CLIFFORD A</u>	Available	DENVER	CO	48	Available	View De
15.	<u>HARRISON, CLIFFORD A</u>	Available	DENVER	CO	48	Available	View De
16.	<u>HARRISON, CLIFFORD A</u>	Available	DENVER	CO			Available View De
17.	<u>HARRISON, CLIFFORD A</u>	Available	DENVER	CO			Available View De
18.	<u>HARRISON, CLIFFORD</u>	Available	DENVER	CO			View De
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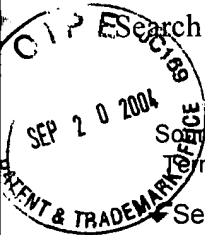
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- ☐ 1. [EVANS, CLIFFORD G](#), 585-57-XXXX, 2724 LAFAYETTE STREET, DENVER, CO 80205-4449, P-TRAK
- ☐ 2. [HARRISON, CLIFFORD R \(MALE\)](#), 449-72-XXXX, 2675 W BATES AVE, DENVER, CO 80236-2812, 1944, PERSON LOCATOR - P-SEEK
- ☐ 3. [HARRISON, CLIFFORD A \(MALE\)](#), 014-38-XXXX, 240 KEARNEY ST, DENVER, CO 80220-5987, 1956, PERSON LOCATOR - P-SEEK
- ☐ 4. [HARRISON, CLIFFORD A](#), 014-38-XXXX, 240 KEARNEY ST, DENVER, CO 80220, 1956, PERSON LOCATOR - P-SRCH
- ☐ 5. [HARRISON, CLIFFORD A \(MALE\)](#), 240 KEARNEY ST, DENVER, CO 80220-5987, 4/1956, PERSON LOCATOR - P-FIND
- ☐ 6. [HARRISON, CLIFFORD R \(MALE\)](#), 2675 W BATES AVE, DENVER, CO 80236-2812, 1944, PERSON LOCATOR - P-FIND
- ☐ 7. [HARRISON, CLIFFORD A](#), 014-38-XXXX, 240 KEARNEY STREET, DENVER, CO 80220-5987, 4/1956, P-TRAK
- ☐ 8. [HARRISON, CLIFFORD R \(MALE\)](#), 2675 W BATES AVE, DENVER, CO 80236-2812, 1944, PERSON LOCATOR - P-CNSR
- ☐ 9. [HARRISON, GAIL M \(FEMALE\)](#), 240 KEARNEY ST, DENVER, CO 80220-5987, 1956, PERSON LOCATOR - P-CNSR
- ☐ 10. [HARRISON, CLIFFORD A \(MALE\)](#), 701 GRAPE ST, DENVER, CO 80220-5219, 1956, PERSON LOCATOR - P-CNSR

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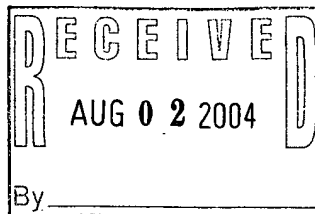
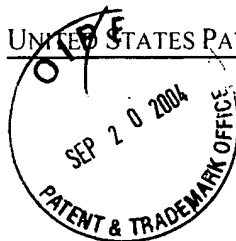
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OFFICE OF PETITIONS

In re Application of
Clifford Harrison
Application No. 08/919,450

Filed: August 28, 1997
Attorney Docket No. 018972.0441
Title: SYSTEM AND METHOD FOR
COMPUTER-AIDED TECHNICIAN DISPATCH
AND COMMUNICATION

Response to petition action 9/27/04
GREENBERG TRAURIG

DECISION DISMISSING
PETITION UNDER § 1.48(a)
and § 1.183

This is a decision on the "PETITION UNDER 37 CFR 1.47 AND 37 CFR 1.183 AND DECLARATION OF FACTS IN SUPPORT THEREOF," filed May 14, 2004.

The above-identified application was filed on August 28, 1997. Clifford Harrison was named as sole inventor. On May 14, 2004, the instant request under § 1.48(a) was filed to amend the inventorship to add joint inventors, Emery Weber and Phillip Bush. § 1.48(a) requires:

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- ✓ (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
- (4) The processing fee set forth in § 1.17(I); and
- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

The petition as filed May 14, 2004 clearly satisfies requirements (1), (4) and (5). The petition specifically requests the addition of Weber and Bush as inventors, and includes a check for the processing fee. Further, petitioner encloses a written consent of assignee, and a 3.73(b) statement.

However, as to requirements (2) and (3), the petition does not include a statement from added inventor Weber and the declaration submitted is not signed by inventors Harrison and Weber.

§ 1.48(a) requires a statement from each inventor being added or deleted that the inventorship error occurred without deceptive intention. The statement need not be a verified statement (see MPEP § 605). On very infrequent occasions, the requirements of 37 CFR 1.48(a) have been waived upon the filing of a request and fee under 37 CFR 1.183 (along with the request and fee under 37 CFR 1.48(a)) to permit the filing of a statement by less than all the parties required to submit a statement. In re Cooper, 230 USPQ 638, 639 (Dep. Assist. Comm'r Pat. 1986). However, such a waiver will not be considered unless the facts of record unequivocally support the correction sought. In re Hardee, 223 USPQ 1122, 1123 (Comm'r Pat. 1984). As 37 CFR 1.48(a) is intended as a simple procedural remedy and does not represent a substantive determination as to inventorship, issues relating to the inventors' or alleged inventors' actual contributions to conception and reduction to practice are not appropriate for consideration in determining whether the record unequivocally supports the correction sought¹.

Thus, as to requirements (2) and (3), petitioner's request is being treated as a petition for waiver of the requirements 1) for a statement from the person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part and 2) that each of the actual inventors reexecute the declaration. Receipt of the fee (\$390) for such consideration is acknowledged (\$260 check and \$130 charged to Deposit Account No. 50-2428, as authorized²).

Unfortunately, petitioner has not met the requirements for waiver. Petitioner has not shown that inventor Weber cannot be reached or found, after diligent efforts, to sign the statement

¹ An available remedy to obtain correction of inventorship where waiver of a required statement is not available to correct the inventorship in a particular application is to refile the application naming the correct inventive entity. A request under 37 CFR 1.48(a) would not then be required in the newly filed application as no correction would be needed. Furthermore, a request under 37 CFR 1.48(a) would also not be required in the prior application that was refiled, since the prior application will be abandoned. Benefit of the parent application's filing date would be available under 35 U.S.C. 120 provided there is at least one inventor overlap between the two applications. (Note: a sole-to-sole correction would not obtain benefit under 35 U.S.C. 120).

² See MPEP 201.03. Where waiver under 37 CFR 1.183 is requested in relation to a requirement under 37 CFR 1.48(a), a processing fee under 37 CFR 1.48(a) and a petition fee under 37 CFR 1.183 are required. Similarly, where in addition to a request under 37 CFR 1.48, two petitions under 37 CFR 1.183 are presented, e.g., one requesting waiver of a requirement under 37 CFR 1.48 and the other requesting waiver of the reexecution of an oath or declaration under 37 CFR 1.64, three fees are required (one for the request filed under 37 CFR 1.48 and two for the petitions filed under 37 CFR 1.183).

or to execute the declaration. Nor has petitioner shown that inventor Harrison cannot be found or reached after diligent effort to reexecute the declaration. The attempts shown to locate inventors Emery Weber and Clifford Harrison are not sufficient to show diligent effort. Petitioner has provided copies of Internet search results for the former phone numbers and addresses of the inventors (reverse searches for phone numbers and addresses) and a search by email address. However, there does not appear to be evidence of a search query by inventor name. Nor is there evidence of an attempt to determine the inventors forwarding address from the postal service or through public records, and to send the application papers to such addresses for consideration by the inventors. See MPEP 409.03(d).

In fact, a search of the EZFIND Combined Person Locator Nationwide available at www.lexis.com reveals possible addresses where both inventors Weber and Harrison can be reached. Specifically, the results indicate that a Emery James formerly of 17618 Hoyt Pl, Parker CO 80134-7552, resides at 9400 E. Iliff Avenue 413, Denver CO 80231. Likewise, the results indicate that a Clifford Harrison formerly of 240 Kearney Street, Denver CO 80220-5987, has resided at 7100 Evans Avenue, Denver CO 80224-2450. Accordingly, further efforts are warranted to reach and/or locate the inventors at those addresses.

If further attempts to contact the inventors at the above addresses or to obtain forwarding addresses or to locate the non-signing inventor by other means such as through E-mail, telephone, or the Internet continue to fail, then applicant will have provided the necessary proof required under 37 CFR 1.47 that the inventor cannot be reached. Details of the efforts to locate the non-signing inventors should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details. Applicant should submit documentary evidence such as the results of any mailings to the above-addresses and the results of any further E-mail or Internet search.

Of course, if the inventors are located, then a showing of presentation to them of the application papers and their subsequent refusal is required for waiver.

In view thereof, the petition under 37 CFR 1.183 and thus, 1.48(a) must be **DISMISSED**.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision to be considered timely. 37 CFR 1.181(f).

Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

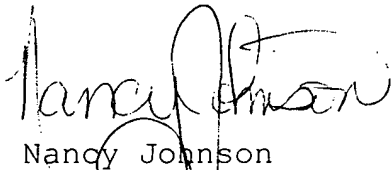
By FAX: (703) 872-9306

ATTN: NANCY JOHNSON
SENIOR PETITIONS ATTORNEY

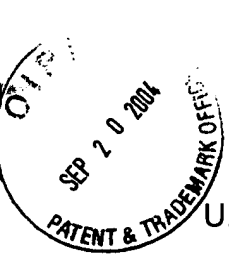
By hand: Effective June 5, 2004, patent correspondence delivered by hand or delivery services, other than the USPS, to the Customer Window must be addressed as follows:

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop _____
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0309 (or effective September 28, 2004 at (571) 272-3282).

A handwritten signature in dark ink, appearing to read "Nancy Johnson", is written over the typed name and title.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



U.S. S/N 08/919,450 .

DOCUMENTS ORIGINALLY SUBMITTED WITH PETITION OF 05/11/04.